

AMENDMENT AFTER FINAL
U.S. Appln. No. 09/380,579

Please amend Claim 9 as follows:

Claim 9. (Twice Amended) A method of inducing immunological tolerance in an organ transplantation recipient which comprises the steps of:

(a) prior to organ transplantation, subjecting the recipient to total body irradiation using a sublethal radiation dose of at least 6.5 Gy, and thereafter,

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(b) administering to the recipient a tolerogen effective amount of whole bone marrow cells from a graft donor by hepatic portal venous administration, and thereafter,

(c) transplanting an organ into said recipient, to thereby achieve an engraftment rate of 100%, wherein said transplanting occurs within the same day as said whole bone marrow cells are administered.

REMARKS

In paragraph 5, on page 2 of the Office Action, the Examiner maintains the rejection of Claims 9-10 and 12 under 35 U.S.C. § 112, second paragraph.

Specifically, while the Examiner acknowledges that the term "immunological tolerance" is well-known and used by one skilled in the art, the Examiner maintains that the usage in the art is imprecise, i.e., neither the art nor the specification provides the meets and bounds of the phrase "immunological tolerance".

For the following reasons, Applicants respectfully traverse the Examiner's rejection.